REMARKS

Reconsideration and allowance of the subject application are respectfully requested. By this Amendment, the dependency of claims 17-27 is in order. Claims 1-37 are all the claims pending in the application. Applicant respectfully submits that the pending claims define patentable subject matter.

By this Amendment, Applicant has amended claim 1 to comply with U.S. practice. Applicant submits that the amendment does not change the scope of the claimed invention.

Claim Rejections - 35 USC § 112

The Examiner notes that claim 24 recites the limitation "23" in line 3 of claim 23; claim 24 recites the limitation "third step" in line 3 of claim 24; claim 25 recites the limitation "fourth step" in line 4 of claim 25; and claim 27 recites the limitation "fifth step" in line 3 of claim 27. The Examiner indicates that there is insufficient antecedent basis for the limitations in the above claims.

Applicant has appropriately adjusted the dependencies of claims 24, 25, and 27 and, thus proper antecedent basis is provided for the claims. Accordingly, the 35 U.S.C. § 112 rejection should be withdrawn.

Claim Rejections - 35 USC § 102

Claims 1 and 2 stand rejected under 35 U.S.C. 102(e) as allegedly being anticipated by Aboul-Magd et al. (U. S. Pat. No. 6,490,249). Applicant respectfully traverses the 35 U.S.C. § 102 rejection, as set forth below, and submits that Aboul-Magd fails to teach or suggest the features of claim 1 and its dependent claims 2, 3, 5-10, 13-15, and 17-27.

Claim 1 recites:

> A method of implementing an admission control algorithm in a telecommunications system, the method comprising:
>
> dynamically adapting at least one parameter of said algorithm as a function of a traffic model representative of the traffic present.

Aboul-Magd states that "a limiter that limits a volume of traffic admitted to a network through a connection admission control (CAC) procedure; and basing the connection admission control procedure at least in part on a pure measurement of actual traffic levels on the network." (col. 4, lines 5-10 and Abstract)

Although, the Examiner has not clearly identified how the language of claim 1 reads on Aboul-Magd, it appears that the premise of the Examiner's discussion is based on the above passage. However, the Examiner fails to take the exact language of claim 1 into account, because Aboul-Magd does not teach or suggest having a parameter of said algorithm adapted dynamically as function of a traffic model representative of the traffic present. In Aboul-Magd, the average load or volume on the network (col. 5, lines 3-5) is measured. The Examiner assumes that this actual measurement on the network relates to "adapted dynamically" in claim 1 without considering the relationship among the other claim elements of claim 1. That is, a parameter of the algorithm is not adapted dynamically as a function of a traffic model in Aboul-Magd.

Aboul-Magd measures the load on the network to utilize in its hybrid CAC (Connection Admission Control) scheme. Aboul-Magd divides service classes into separate bandwidth pools and selects link rates for each bandwidth pool. Weights are applied to the measurement CAC

and the mathematical CAC. The volume or level of traffic on the network is measured for the measurement CAC and it appears the Examiner assumes that this measuring is representative of the traffic present in claim 1. However, the Examiner overlooks that no particular **parameter** of is adapted dynamically as a function of a **traffic model**. Furthermore, with respect to dependent claims, the Examiner indicates that Aboul-Magd discusses certain parameters, but none of these parameters are "adapted dynamically as a function of a traffic model" as required by the antecedent basis of independent claim 1. The Examiner merely identifies that parameters are used but does not take into account the specific parameters claimed in the dependent claim in conjunction with the requirements of claim 1. For example, claim 2 requires that there are parameters representative of the type of traffic present, and according to the antecedent basis of claim 1, these parameters of the type of traffic present would be "adapted dynamically as a function of a traffic model". As another example, claim 3 requires parameters representative of quality of service (QoS) requirements, and again, the antecedent basis of claim 1 then requires that the QoS parameters be "adapted dynamically as a function of a traffic model". Indeed, Aboul-Magd fails to teach or suggest the requirements of independent claim 1 and its dependent claims.

Further, with regard to claim 7, the Examiner discusses the respective parameters of a CBR (constant bit rate), EBR (equivalent bit rate), and VBR (variable bit rate) and considers this to disclose the features of claim 7. However, claim 7 requires that if different traffic types are present, said traffic model includes relative proportions for said different traffic types. Aboul-

Magd is silent with respect to the **relative proportions** for different traffic types of a traffic model, as recited in claim 7.

It appears the Examiner is loosely reading the claim language and then identifying certain elements in the reference without taking into account the explicit recitations of the claim and the particular relationship among claim elements therein.

For at least the foregoing reasons, claim 1 and its dependent claims are not anticipated or rendered obvious by the teachings of Aboul-Magd. Therefore, the 35 U.S.C. § 102 rejection of claim 1 and its dependent claims 2, 3, 5-10, 13-15, and 17-27 should be withdrawn.

Claim Rejections - 35 USC § 103

A. Claims 28-37 are rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Aboul-Magd et al. (U. S. Pat. No. 6,490,249) in view of Vilander et al. (U.S. Pub. No. 2004/0010609).

As discussed above, Aboul-Magd is deficient vis-à-vis base claim 1. Vilander, applied for its teaching regarding an AAL2 standard, does not cure the deficiencies of Aboul-Magd.

For at least the foregoing reasons, claim 1 is not anticipated or rendered obvious by the individual or combined teachings of Aboul-Magd and Vilander. Therefore, claims 28-37 are patentable at least by virtue of their dependency, and the 35 U.S.C. § 103 rejection of claims 28-37 should be withdrawn.

B. Claim 16 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Aboul-Magd et al. (U. S. Pat. No. 6,490,249) in view of Bjoerkman et al. (U.S. Pub. 2005/0152272).

As discussed above, Aboul-Magd is deficient vis-à-vis base claim 1. Bjoerkman, applied for its teaching regarding computer elements, does not cure the deficiencies of Aboul-Magd.

For at least the foregoing reasons, claim 1 is not anticipated or rendered obvious by the individual or combined teachings of Aboul-Magd and Bjoerkman. Therefore, claim 16 is patentable at least by virtue of its dependency, and the 35 U.S.C. § 103 rejection of claim 16 should be withdrawn.

C. Claims 11 and 12 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Aboul-Magd et al. (U. S. Pat. No. 6,490,249) in view of Kola et al. (U.S. Pub. No. 2004/0213165)

As discussed above, Aboul-Magd is deficient vis-à-vis base claim 1. Kola, applied for its teaching regarding a model generator, does not cure the deficiencies of Aboul-Magd.

For at least the foregoing reasons, claim 1 is not anticipated or rendered obvious by the individual or combined teachings of Aboul-Magd and Kola. Therefore, claims 11 and 12 are patentable at least by virtue of their dependency, and the 35 U.S.C. § 103 rejection of claims 11 and 12 should be withdrawn.

Allowable Subject Matter

Claim 4 is objected to as being dependent upon a rejected base claim. Applicant has rewritten claim 4 in independent, and thus, claim 4 is allowable.

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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